



## *Joint press release*

### **Dutch State faced court today to defend its policies on the Occupied Palestinian Territory**

22 November 2024

Today, the Dutch State appeared before the District Court of The Hague to answer for its policies regarding Israel's ongoing genocide in Gaza and its illegal occupation of the Occupied Palestinian Territory (OPT). A coalition of Palestinian and Dutch civil society organisations sued the Netherlands for failing to meet its international legal obligations and has called on the court to enforce corrective measures.

In court, it was clear that the Dutch State deems its ongoing dialogue with Israeli counterparts sufficient to prevent genocide against the Palestinian people in Gaza. Additionally, the State argued that it is legal for Dutch corporations to do business in the illegal Israeli settlements. However, the Netherlands has an obligation to take all reasonable steps within its power to prevent genocide in Gaza and to ensure Israel complies with international humanitarian law in the OPT. The Dutch judicial system is tasked with reviewing the lawfulness of Dutch policy according to the provisions of international treaties the Netherlands has signed. To uphold these obligations, the coalition has asked the court to order the Dutch government to:

- Ban the export and transit of weapons, weapon components, and dual-use items to Israel.
- Ban all trade and investment relations that sustain Israel's illegal occupation, racial discrimination, segregation, and settlements.

**“These measures are the bare minimum needed to bring Dutch policy in line with international law,”** SOMO researcher Lydia de Leeuw stated.

General Director of Al-Haq Shawan Jabarin stressed that “States like the Netherlands must comply with international law to prevent genocide against the Palestinian people. For decades Israel has subjected our people to a cruel illegal occupation and settler colonial apartheid regime, carrying out international crimes with impunity. **The obligation to prevent genocide and apartheid, and to end illegal occupation which denies the right to self-determination are *erga omnes* obligations, applying to all States, and demand immediate and concrete actions by the Netherlands to bring the unlawful acts to an end.**”

The Netherlands enjoys international prestige as the host of the International Court of Justice (ICJ) and the International Criminal Court (ICC) in The Hague, the self-proclaimed "City of Peace and Justice." However, its policy towards Israel's crimes in Gaza and in the rest of the OPT, marked by inaction and impunity, undermines its credibility and commitment to justice.

Since April 2024, the Palestinian-Dutch Coalition has repeatedly requested the State to provide information about its arms-exports policies, and to give factual clarity about the exports themselves. The Coalition emphasised the risks associated and received no information. The state answered that its policy is in line with international law and it will remain unchanged.

During the hearing, the State claimed that it will not export any weapons that might be used in Israel's assault in Gaza, and that it is not allowing export licenses for goods that can be used to contribute to military activities in Gaza and the West Bank, including by settlers.

Regarding its policy towards trade with settlements, the State presented a contradictory position. On the one hand, it says to have held a hundred meetings with Dutch corporations in which they explain their so-called discouragement policy. It also refers to the International Crimes Act, which can hold actors to account for their involvement in the settlements. However, the bottom line of the policy remains that it is up to companies to decide whether they do business in the settlements. **“How can this be the State's message to companies?”**, Daan de Grefte, legal officer at ELSC, argues. **“The ICJ has made it crystal clear that this does not go far enough.”**

Additionally, the State did not provide information about anything else other than having conversations with Israel and with Dutch companies. It deems it sufficient to only have these conversations. Seemingly disregarding its own International Crimes Act, the Dutch State argues that there is no international or domestic legislation that prohibits Dutch corporations from doing business in Israeli settlements.

Wout Albers, the lawyer of the coalition, says: **“The Netherlands has discretion on how it fulfils its legal obligations. However, international law prescribes that it cannot stay passive, and its actions cannot run counter to the Genocide Convention and Geneva Conventions. The Dutch judicial system is tasked with reviewing the lawfulness of Dutch policy.”**

### **Follow the final decision**

The stakes in this case are high. Almost a year ago, the ICJ indicated that Israel's actions in Gaza may constitute genocide, placing a duty on states to act to prevent it. Furthermore, the ICJ has also ruled that Israel's policies in the OPT violate fundamental principles of international law. Failure by the Netherlands to act threatens Palestinian lives, exacerbates their suffering and undermines international law. Without domestic enforcement of international rulings, the foundation and credibility of the international legal system are at risk.

Ahmed Abofoul, Legal Advisor at Al-Haq, said during the hearing: **“Dutch weapons are being used to murder Palestinian people. I've lost over 80 family members so far. By the end of this hearing, I can't be sure my family will still be the same as when we started. The Dutch government is using my tax money to send Israel weapons to murder my own family.”**

The court's judgment is expected on Friday, 13 December.

## **ENDS**

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### **Media contacts:**

ELSC: Juul Seesing, Advocacy and Communications Officer for the Netherlands  
[juul@elsc.support](mailto:juul@elsc.support) +31 6 47 20 32 94

SOMO: Laura Rincón, Communications and Advocacy Officer  
[laura@somo.nl](mailto:laura@somo.nl) +31 6 86 45 84 13